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HOUSE BILL 873

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Jim R. Trujillo

AN ACT

RELATING TO TAXATION; INCREASING THE DISTRIBUTION OF LIQUOR  
EXCISE TAX REVENUES TO THE LOCAL DWI GRANT FUND; INCREASING  
DISTRIBUTIONS TO COUNTIES; MAKING AN APPROPRIATION

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-1-6.40 NMSA 1978 (being Laws 1997,  
Chapter 182, Section 1, as amended) is amended to read:

"7-1-6.40. DISTRIBUTION--LOCAL DWI GRANT FUND.--A  
distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be  
made to the local DWI grant fund in an amount equal to [~~thirty-~~  
~~four and fifty-seven hundredths~~] thirty-five and thirty-six  
hundredths percent of the net receipts attributable to the  
liquor excise tax."

Section 2. Section 11-6A-3 NMSA 1978 (being Laws 1993,  
Chapter 65, Section 3, as amended) is amended to read:

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1 "11-6A-3. LOCAL DWI GRANT PROGRAM - FUND. - -

2 A. The division shall establish a local DWI grant  
3 program to make grants to municipalities or counties for new,  
4 innovative or model programs, services or activities to prevent  
5 or reduce the incidence of DWI, alcoholism and alcohol abuse.  
6 Grants shall be awarded by the council pursuant to the advice  
7 and recommendations of the division.

8 B. The "local DWI grant fund" is created in the  
9 state treasury and shall be administered by the division. Two  
10 million dollars (\$2,000,000) of liquor excise tax revenues  
11 distributed to the fund and all other money in the fund, other  
12 than money appropriated for distribution pursuant to Subsection  
13 C of this section and money appropriated for DWI program  
14 distributions, are appropriated to the division to make grants  
15 to municipalities and counties upon council approval in  
16 accordance with the program established under the Local DWI  
17 Grant Program Act. An amount equal to the liquor excise tax  
18 revenues distributed annually to the fund less [~~four million~~  
19 ~~eight hundred thousand dollars (\$4,800,000)] five million one  
20 hundred thousand dollars (\$5,100,000) is appropriated to the  
21 division to make DWI program distributions to counties upon  
22 council approval of programs in accordance with the provisions  
23 of the Local DWI Grant Program Act. No more than one hundred  
24 thousand dollars (\$100,000) of liquor excise tax revenues  
25 distributed to the fund in any fiscal year shall be expended~~

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1 for administration of the grant program. Balances in the fund  
2 at the end of any fiscal year shall not revert to the general  
3 fund.

4 C. Two million eight hundred thousand dollars  
5 (\$2,800,000) of the liquor excise tax revenues distributed to  
6 the local DWI grant fund is appropriated to the division for  
7 distribution to the following counties in the following amounts  
8 for funding of alcohol detoxification and treatment facilities:

9 (1) one million seven hundred thousand dollars  
10 (\$1,700,000) to class A counties with a population of over  
11 three hundred thousand persons according to the 1990 federal  
12 decennial census;

13 (2) three hundred thousand dollars (\$300,000)  
14 [~~each~~] to counties classified in 2000 as class B counties with  
15 a population of more than ninety thousand but less than [~~one~~  
16 ~~hundred~~] ninety-five thousand persons according to the 1990  
17 federal decennial census;

18 (3) two hundred thousand dollars (\$200,000) to  
19 class B counties with a population of more than thirty thousand  
20 but less than forty thousand persons according to the 1990  
21 federal decennial census;

22 (4) one hundred fifty thousand dollars  
23 (\$150,000) to class B counties with a population of more than  
24 sixty-two thousand but less than sixty-five thousand persons  
25 according to the 1990 federal decennial census; [~~and~~]

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1 (5) one hundred fifty thousand dollars  
2 (\$150,000) to class B counties with a population of more than  
3 thirteen thousand but less than fifteen thousand persons  
4 according to the 1990 federal decennial census; and

5 (6) six hundred thousand dollars (\$600,000) to  
6 class A counties with a population of more than one hundred  
7 twenty thousand but less than one hundred fifty thousand  
8 according to the 2000 federal decennial census.

9 D. In awarding DWI grants to local communities, the  
10 council:

11 (1) may fund new or existing innovative or  
12 model programs, services or activities of any kind designed to  
13 prevent or reduce the incidence of DWI, alcoholism or alcohol  
14 abuse;

15 (2) may fund existing community-based  
16 programs, services or facilities for prevention, screening and  
17 treatment of alcoholism and alcohol abuse;

18 (3) shall give consideration to a broad range  
19 of approaches to prevention, education, screening, treatment or  
20 alternative sentencing, including programs that combine  
21 incarceration, treatment and aftercare, to address the problem  
22 of DWI, alcoholism or alcohol abuse; and

23 (4) shall make grants only to counties or  
24 municipalities in counties that have established a DWI planning  
25 council and adopted a county DWI plan or are parties to a

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1 multicounty DWI plan that has been approved pursuant to Chapter  
2 43, Article 3 NMSA 1978 and only for programs, services or  
3 activities consistent with that plan.

4 E. The council shall use the criteria in Subsection  
5 D of this section to approve DWI programs, services or  
6 activities for funding through the county DWI program  
7 distribution. "

8 Section 3. Section 11-6A-6 NMSA 1978 (being Laws 1997,  
9 Chapter 182, Section 2, as amended) is amended to read:

10 "11-6A-6. DISTRIBUTION OF CERTAIN DWI GRANT PROGRAM  
11 FUNDS-- APPROVAL OF PROGRAMS. --

12 A. An amount equal to the liquor excise tax  
13 revenues distributed to the local DWI grant fund for the fiscal  
14 year less [~~four million eight hundred thousand dollars~~  
15 ~~(\$4,800,000)] five million one hundred thousand dollars  
16 (\$5,100,000) shall be available for distribution in accordance  
17 with the formula in Subsection B of this section to each county  
18 for council-approved DWI programs, services or activities;  
19 provided that each county shall receive a minimum distribution  
20 of at least one-half of one percent of the money available for  
21 distribution.~~

22 B. Each county shall be eligible for a DWI program  
23 distribution in an amount derived by multiplying the total  
24 amount of money available for distribution by a percentage that  
25 is the average of the following two percentages:

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1 (1) a percentage equal to a fraction, the  
2 numerator of which is the retail trade gross receipts in the  
3 county and the denominator of which is the total retail trade  
4 gross receipts in the state; and

5 (2) a percentage equal to a fraction, the  
6 numerator of which is the number of alcohol-related injury  
7 crashes in the county and the denominator of which is the total  
8 alcohol-related injury crashes in the state.

9 C. A county shall be eligible to receive the  
10 distribution determined pursuant to Subsection B of this  
11 section if the board of county commissioners has submitted to  
12 the council a request to use the distribution for the operation  
13 of one or more DWI programs, services or activities in the  
14 county and the request has been approved by the council.

15 D. No later than August 1 each year, each board of  
16 county commissioners seeking approval for the DWI program  
17 distribution pursuant to this section shall make application to  
18 the division for review and approval by the council for one or  
19 more local DWI programs, services or activities in the county.  
20 Application shall be made on a form and in a manner determined  
21 by the division. The council shall approve the programs  
22 eligible for a distribution no later than September 1 of each  
23 year. The division shall make the annual distribution to each  
24 county in quarterly installments on or before each October 10,  
25 January 10, April 10 and July 10, beginning in October 1997.

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1 The amount available for distribution quarterly to each county  
2 shall be the amount determined by applying the formula in  
3 Subsection B of this section to the amount of liquor excise tax  
4 revenues in the local DWI grant fund at the end of the month  
5 prior to the quarterly installment due date and after five  
6 hundred thousand dollars (\$500,000) has been set aside for the  
7 DWI grant program and after the appropriation and distribution  
8 pursuant to Subsection C of Section 11-6A-3 NMSA 1978.

9 E. If a county has no council-approved DWI program,  
10 service or activity or does not need the full amount of the  
11 available distribution, the unused money shall revert to the  
12 local DWI grant fund and may be used by the council for the  
13 local DWI grant program.

14 F. As used in this section:

15 (1) "alcohol-related injury crashes" means the  
16 average annual number of alcohol-related injury crashes during  
17 the period from January 1, 1993 through December 31, 1995, as  
18 determined by the traffic safety bureau of the state highway  
19 and transportation department; and

20 (2) "retail trade gross receipts" means the  
21 total reported gross receipts attributable to taxpayers  
22 reporting under the retail trade industry sector of the state  
23 for the most recent fiscal year as determined by the taxation  
24 and revenue department. "

25 Section 4. EFFECTIVE DATE. --The effective date of the

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provisions of this act is July 1, 2003.

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